

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) Case No. **11-66112-BEM**
)
MICHAEL GREGORY IVESTER and)
KAREN SUE IVESTER) Chapter 7
)
Debtors.

NOTICE OF HEARING ON
TRUSTEE'S MOTION TO COMPEL TURNOVER OF ASSETS

PLEASE TAKE NOTICE that the Court will hold a hearing on the Trustee's Motion To Compel Turnover Of Assets in Courtroom **1402**, United States Courthouse, 75 Spring Street, S.W., **Atlanta**, Georgia, at **10:00 a.m. on April 16, 2014**

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you must file a written response to the pleading with the Clerk at the address stated below, and you and/or your attorney must attend the hearing. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Spring Street, S.W., Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

/s/ Jason L. Pettie
Jason L. Pettie, Trustee
Georgia Bar # 574783
150 E Ponce de Leon Ave, Ste 150
Decatur, Georgia 30030
(404) 638-5984

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	Chapter 7
)	
MICHAEL GREGORY IVESTER and)	
KAREN SUE IVESTER)	Case No. 11-66112-BEM
)	
Debtor.)	
-----)	-----
)	
JASON L. PETTIE, as Trustee)	
)	CONTESTED MATTER
Movant)	
)	
vs.)	
)	
KAREN SUE IVESTER)	
)	
Respondent.)	

**TRUSTEE’S MOTION TO COMPEL
TURNOVER OF PERSONAL PROPERTY**

NOW COMES Jason L. Pettie, Trustee in the above-captioned case and does hereby move this Court for an order pursuant to § 542 of the Bankruptcy Code compelling turnover of certain non-exempt assets on the following grounds:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Determination of this matter is a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (E). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409(a). The statutory predicates for the actions contemplated herein are Sections 105, and 542 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 et seq. as amended (the “Bankruptcy Code”).

BACKGROUND & REQUEST FOR RELIEF

2. The Debtors filed this case on June 2, 2011 (the “Petition Date”). Jason L. Pettie (“Trustee”) was appointed to the case as the interim Chapter 7 trustee pursuant to 11 U.S.C. §

701. The § 341 meeting of creditors was held and concluded on July 6, 2011, at which time Trustee became the permanent Chapter 7 trustee pursuant to 11 U.S.C. § 702(d).

3. As of the Petition Date, debtor Karen Sue Ivester owned an annuity through Lincoln Financial Group, which had a value of at least \$29,241.16 (the “Annuity”). A copy of a statement from the Annuity is attached hereto as Exhibit “A”.

4. Trustee has requested turnover of funds from the Annuity, however the Debtor has not turned over the funds.

5. With this motion, pursuant to section 542(a) of the Bankruptcy Code, Trustee seeks entry of an Order compelling debtor Karen Sue Ivester to turnover no less than \$29,241.16 to the Trustee.

6. The Annuity and its funds are property of the bankruptcy estate pursuant to 11 U.S.C. § 541(a)

WHEREFORE, Trustee respectfully requests that the Court hold a hearing on this matter and that the Court enter an order (i) compelling turnover as requested herein, and (ii) for such other and further relief as the Court may deem just and proper.

Respectfully submitted this 27th day of February, 2014

/s/ Jason L. Pettie

Jason L. Pettie, Trustee
Georgia Bar # 574783
150 E Ponce de Leon Ave, Ste 150
Decatur, Georgia 30030
(404) 638-5984



Exhibit "A"



**Annuity Quarterly Statement
1st Quarter 2011**

PO Box 2348
Fort Wayne, IN 46801-2348

Your Account Information

Contract Owner: KAREN S IVESTER
Annuitant: KAREN S IVESTER

American Legacy III: 95-9983403
Plan Type: Non-Qualified
Contract Effective Date: 2/24/2005

Your Annuity Contact Information

Representative: DENISE G SOWELL
Broker/Dealer: ROYAL ALLIANCE
ASSOCIATES INC
If you have any questions regarding this statement,
please call Lincoln Financial Group at 800-942-5500
or visit our website at www.AmericanLegacy.com.

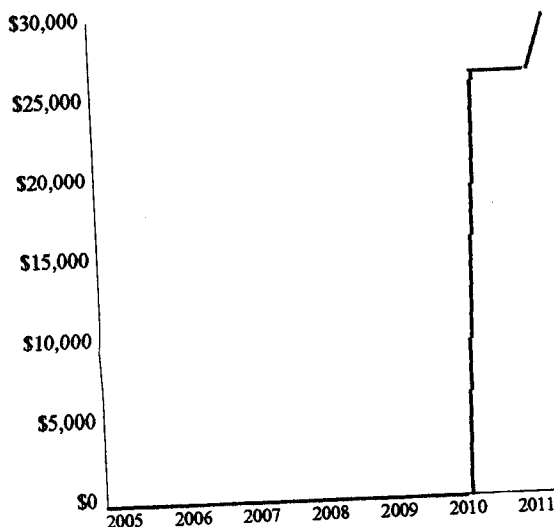
Your Quarterly Account Value

Value 12/31/10	Net Activity	Gain / Loss	Value 3/31/11
\$29,253.79	(\$72.60)	\$575.63	\$29,756.82

Surrender Value: \$29,241.16

Refer to your contract for surrender charge information.

Your Lincoln SmartSecurity® Advantage - 1-year Automatic Step-up (Single) Benefit



On 2/26/2010 you elected **Lincoln SmartSecurity® Advantage - 1-year Automatic Step-up (Single)**.

As of the statement date, your **Lincoln SmartSecurity® Advantage - 1-year Automatic Step-up (Single)** values are as follows:

Guaranteed Amount:	\$29,624.99
Maximum Annual Withdrawal:	\$1,481.25
Remaining Maximum Annual Withdrawal:	\$1,481.25

Your Guaranteed Amount can step up each year until at least age 80.

The Maximum Annual Withdrawal will continue until the Guaranteed Amount is reduced to zero or for the owner's lifetime if a withdrawal does not occur until the owner is age 65.

You have directed Lincoln to administer the reset of your Guaranteed Amount 10-year step-up period automatically every tenth anniversary.

• Values represented on the graph began at rider election and show 10 years of history.

Your Death Benefit

As of 3/31/11, the death benefit for the owner was the greater of \$23,390.38 or the account value. The actual benefit amount may be more or less depending on the date of death, market fluctuations, premium payments and partial withdrawals. For detailed information regarding your death benefit, please refer to your contract or prospectus.

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KAREN S IVESTER
780Z 330

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Date	Activity	Fund Name	Amount	Unit Value	Number of Units
2/26/11	Transfer out		(\$555.04)		
		Bl Chip Inc&Gr.	(\$323.62)	1.128916	(286.6644)
	Gbl Grwth-Inc	(\$231.42)	11.545630	(20.0439)	
	Transfer in		\$555.04		
		Global Sm Cap	\$51.09	3.125799	16.3446
		New World	\$85.15	2.829383	30.0949
		Bond	\$249.55	1.689266	147.7269
Global Bond		\$169.25	12.632159	13.3983	
2/26/11	Rider fee		(\$42.60)		
		Bl Chip Inc&Gr.	(\$10.65)	1.128916	(9.4338)
		Global Sm Cap	(\$4.26)	3.125799	(1.3629)
		New World	(\$4.26)	2.829383	(1.5056)
		Gbl Grwth-Inc	(\$10.65)	11.545630	(0.9224)
		Bond	(\$6.39)	1.689266	(3.7827)
		Global Bond	(\$6.39)	12.632159	(0.5059)

Your Future Allocations

As of 3/31/11, your contract instructions show that additional contributions will be allocated according to these percentages:

25% Bl Chip Inc&Gr.	10% New World	15% Bond
10% Global Sm Cap	25% Gbl Grwth-Inc	15% Global Bond

Your Notifications and Disclosures

- Access to your contract information is available online. Register at www.AmericanLegacy.com today. This document and many others can be read online by signing up for eDelivery. Help make a positive environmental impact by signing up today.
- This confirmation is prepared by The Lincoln National Life Insurance Company or one of its Life Insurance company affiliates pursuant to its agreement with the principal underwriter of the insurance securities described herein, for the benefit of the selling broker dealer.
- Notify Lincoln promptly if information contained in this document is not accurate. Please feel free to re-confirm any oral communication in writing to further protect your rights.
- Interest rates and crediting methodology will be provided to you upon request and free of charge.
- For your updated account values and fund performance information, go to www.AmericanLegacy.com.

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that, on this date, I have served a copy of the foregoing pleading on those parties listed below by mailing a copy thereof, via first class U.S. Mail in a properly addressed envelope with sufficient postage affixed:

/s/ Jason L. Pettie

Jason L. Pettie, Trustee
Georgia Bar # 574783
150 E Ponce de Leon Ave, Ste 150
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(404) 638-5984

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McDonough, GA 30252

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